

ARTICLE III. LARGE-SCALE DEVELOPMENT PLAN REGULATIONS

DIVISION 1. GENERALLY

Sec. 14-204. Purpose.

The purpose of the regulations in this article is to set forth the procedures, requirements and minimum standards governing the development of land under the jurisdiction of the city planning commission.

(Code 1997, § 60-1; Ord. No. 04-56, § 7(1.01), 5-25-2004)

Sec. 14-205. Authority.

These large-scale development plan regulations are adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the state as amended (A.C.A. § 14-56-401 et seq.).

(Code 1997, § 60-2; Ord. No. 04-56, § 7(1.02), 5-25-2004)

Sec. 14-206. Jurisdiction.

The territorial jurisdiction of these regulations includes the land within the corporate limits of the city and the surrounding area designated on the most recent growth comprehensive plan recommended by the city planning commission and adopted by the city council.

(Code 1997, § 60-3; Ord. No. 04-56, § 7(1.03), 5-25-2004)

Sec. 14-207. Application of regulations.

Large-scale development plan regulations apply to the following:

- (1) All new construction or additions to existing commercial buildings in zones O (office), C-1 (central business district), C-2 (highway commercial), C-3 (neighborhood commercial), C-4 (open display commercial), W-O (warehouse office), I-1 (light industrial), I-2 (heavy industrial) and PUD (planned unit development).
- (2) All new construction of, or additions to, multifamily housing (exceeding five units) in zones R-DP (duplex and patio home),

R-MF (multifamily), and R-MHC (manufactured home community) and R-O (residential office).

- (3) All changes from residential use to any other use classification of a building, without consideration of the zoning district at that location.
- (4) All new construction or additions to existing buildings in the A-1 (agricultural) zone where the building square footage exceeds 5,000 square feet.
- (5) All changes in use of a building on land that has been rezoned within the last 12 months.

- (6) All placements of nonresidential trailers.

- (7) All parking lots.

(Code 1997, § 60-4; Ord. No. 04-56, § 7(1.04), 5-25-2004)

Sec. 14-208. Conformance to official plans.

All development in the city and the planning area shall conform to the official plans, standards, requirements and regulations that are in effect.

(Code 1997, § 60-5; Ord. No. 04-56, § 7(1.05), 5-25-2004)

Sec. 14-209. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Architect means a registered architect in the state engaged in the practice of general architecture.

Building setback lines means a line beyond which no buildings or structures may be erected and beyond which no portion of a building or structure or roof overhang shall extend.

Construction plans and specifications means detailed design plans and specifications to be used in the construction of streets, curb and gutter, sidewalks, drives, alleys, public utilities and other improvements.

Dedication means land and improvements offered to the city, county or state and accepted by them for public use, control and maintenance.

Developer means a person, firm or corporation undertaking to develop a parcel of land, or any other type of land development as defined in the regulations.

Development plan means a drawing showing all proposed improvements to a piece of property including, but not limited to, streets, parking lots, buildings, drives, signs, utilities, drainage, grading and planting by size and location.

Easement means a grant by the property owner to the public, a corporation or person of the use of a strip of land for specific purposes.

Engineer means a registered professional engineer in the state engaged in the practice of civil engineering.

Improvements means physical changes made to property to prepare it for development, such as but not limited to streets, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, buildings and similar items.

Land development means development including, but not limited to, subdivisions, mobile home parks, mobile home subdivisions, large-scale developments, tract splits, lot splits, farm divisions, streets, roads, bridges, storm drainage systems, water and sanitary sewer systems, off-site improvements, landfills, commercial farms, airports, public utilities, etc.

Landscaping means the location, arrangement, planting and maintenance of trees, shrubbery, grass and other plant materials.

Large-scale development means the development of a tract, lot or parcel developed as a single improvement. The term "development" shall include, but not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a revision of land use which results in the need for access and utilities.

Lot means a parcel of land legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved

private drive. Said lot shall establish on building site and comply with the subdivision rules and regulations in effect for the city.

Nonresidential trailer means a trailer used in support of project development for temporary offices or for temporary storage of tools or materials.

Parcel means an area of land under one ownership.

Planning official means the person designated by the city council to have overall responsibility of the entire policy or particular portions of the policy.

Right-of-way means an area of land deeded, reserved by plat, or otherwise accepted and maintained by the city, the county, or the state for public use.

Street means a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees and sidewalks.
(Code 1997, § 60-6; Ord. No. 04-56, § 7(1.06), 5-25-2004)

Secs. 14-210—14-226. Reserved.

DIVISION 2. APPROVAL PROCEDURES FOR LARGE-SCALE DEVELOPMENT PLANS

Sec. 14-227. Plan submission.

The developer shall submit large-scale development plans to the planning authority office for distribution to the affected agencies. The planning authority office will determine the number of plans required for distribution and agencies notified will include, but not be limited to, the planning commission, inspection division, fire department, police department, water and sewer department, street department, telephone company, electric company, gas company, television/cable company, school board, airport manager and the Arkansas State Highway and Transportation Department.
(Code 1997, § 60-20; Ord. No. 04-56, § 7(2.01), 5-25-2004)

Sec. 14-228. Plan data.

The large-scale development plan shall include the following data:

- (1) Receipt for filing fee paid to the city.
- (2) A copy of the large-scale development plan submittal checklist with all items checked or status noted is required on all submissions.
- (3) Drawings to scale not smaller than one inch equals 100 feet indicating all required information. Twenty copies must be submitted according to the TAC review schedule provided by the planning authority.
- (4) Owner name and address and building usage for verification with zoning requirements.
- (5) An architect's or engineer's stamp is required on the drawings when the building cost is such that state law would require or on multifamily housing including five or more units.
- (6) If project costs exceed \$20,000.00, a state contractor's license is required.
- (7) Storm drainage design must meet the minimum drainage requirements as defined by city ordinance. Drainage improvements must be indicated on the plans and a drainage report will accompany plans. An engineer's certified calculations must be provided for all improvements. Improvements must be completed and certified by the engineer of record prior to the issuance of a certificate of occupancy.
- (8) Developments within a floodplain or floodway must provide floodplain data certified by an engineer or architect and must meet all FEMA requirements for new construction in floodplains or floodways.
- (9) Where applicable, verify impact of development with the airport zoning and hazard map. Notification of the FAA may be necessary prior to construction.
- (10) Provide a signature line for the chairman of the city planning commission.
- (11) Obtain a new address from the county 911 office. Verify an existing address with the building inspection division. Address must be shown on the plan prior to planning commission approval and be indicated on the building before a certificate of occupancy will be issued.
- (12) Provide a legal description of the property with exact dimensions indicated. Attach survey when possible.
- (13) Provide a vicinity map indicating major streets and landmarks.
- (14) List the zoning designation of the subject property and all adjacent properties.
- (15) Indicate the location of all existing and proposed buildings. Provide dimensions for all buildings and dimensions from the building roof overhangs to property lines and to adjacent buildings.
- (16) For residential buildings, provide the number of units and the number of bedrooms per unit.
- (17) For nonresidential buildings, provide the gross floor area; if there are multiple uses, provide the floor area devoted to each type of use.
- (18) Indicate the location, typical dimensions and arrangement of parking and loading areas. Indicate traffic flow patterns, if applicable.
- (19) Indicate the number of required and provided parking spaces. Accessible spaces provided must meet local, state and ADA requirements including truncated domes at all ramps.
- (20) Dimension of the widths of all curb cuts and the distances from the property line.
- (21) Any existing or proposed signage should be indicated on the plan with dimensions from the property line and/or ROW line. The height and sign face area will be governed by the zoning classification of

the property and should be indicated on the plan. A separate sign permit is required for any signage.

- (22) Indicate the location of existing and proposed utility lines, septic fields, fire hydrants and utility easements.
- (23) Indicate the location and type of trash removal service. Screening is required on all sides for any trash dumpster locations.
- (24) Indicate the location of new sidewalks as required by this article. Sidewalks must be installed or a letter of credit posted prior to issuance of a certificate of occupancy.
- (25) Indicate the location of all nonresidential trailers to be used on or for a project. Trailers must be removed within five days of the issuance of a certificate of occupancy or at the expiration of the temporary trailer permit issued by the planning commission.
- (26) Indicate all other site improvements, if any.
- (27) Provide a plan indicating proposed landscaping and site grading. Indicate the type, number and location for all plants. Landscaping and green space provisions are required per this article. Landscaping must be installed or a letter of credit posted prior to issuance of a certificate of occupancy. A three-year guarantee on all plant materials will be required once installation is complete.
- (28) Locate all trees six inches or greater in diameter that will be removed as a result of development. Existing trees that will remain without damage after development may qualify as part of the landscape requirement. Qualification must be verified with the planning authority office.
- (29) Locate and dimension all landscape buffer zones, indicating screening fences or walls where required. Satisfaction of the requirement should be verified with the planning authority office.
- (30) Developer may be required to upgrade existing city streets bordering the property to meet current city standards. Dedication of additional right-of-way may also be required in accordance with the city master street plan. Street improvements and/or ROW dedication must be completed or a letter of credit posted prior to issuance of a certificate of occupancy.
- (31) New construction, drives and curb cuts on state and federal highways will require written approval of the state highway and transportation department. Copies of the approval must be provided to the planning authority prior to the issuance of a building permit.
- (32) Three sets of building plans shall be submitted to the building inspection division two weeks prior to a request for a building permit.
- (33) The large-scale development plan approval letter issued by the planning authority must be signed by the owner and the planning authority and submitted to the building inspection division prior to issuance of a building permit.
- (34) All commercial developments and developments that include plumbing exceeding 15 fixture-units (two bathroom groups) and all public food service establishments require the review and approval of the state health department. The health department approval letter is required prior to issuance of a building permit.
- (35) Large-scale development plans are valid for six months following approval by the planning commission.

(Code 1997, § 60-21; Ord. No. 04-56, § 7(2.02), 5-25-2004; Ord. No. 09-18, § 1, 2-24-2009)

Sec. 14-229. Fees.

To initiate planning authority office services, a large-scale development plan submission will require a fee in accordance with the current fee

schedule approved by the planning authority and adopted by resolution of the city council from time to time.

(Code 1997, § 60-22; Ord. No. 04-56, § 7(2.03), 5-25-2004)

Sec. 14-230. Large-scale development plan approval.

(a) Within 45 days of receipt of a large-scale development plan by the planning authority, such office shall refer the plan to the planning commission. When the plan is referred to the planning commission, the planning authority shall give the appropriate notice to the developer and shall schedule the plan for hearing before the planning commission at its next regular meeting. If disapproved or approved with conditions, the reasons for disapproval or the conditions of approval shall be put in writing and provided to the developer. Failure of the planning authority to take action within 45 days, unless the developer agrees in writing to an extension of time, shall result in automatic approval of the development plan.

(b) The approval of a large-scale development plan shall be effective for six months from the date of approval by the planning commission unless a building permit is obtained and construction has commenced. Unless such action on the part of the owner or developer has taken place, the large-scale development expires unless prior to expiration of the original approval, the developer or owner applies for an extension to the planning commission. Said extension may not exceed six months.

(c) The planning authority office shall determine whether the submitted plan complies with the requirements for submission in this division. Upon a determination that the requirements for submission have been complied with, the planning authority office shall accept the plan for consideration.

(d) The planning authority office may refuse to accept a large-scale development plan for any of the following reasons:

- (1) The development plan is not submitted in accordance with the requirements of this division;

- (2) The development plan is of insufficient scale to depict detail of the proposed development;
- (3) The proposed development would violate a city ordinance, a state or federal law;
- (4) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements which may be required;
- (5) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a "dangerous traffic condition" shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern;
- (6) City water and sewer services are not readily available to the property within the large-scale development and the developer has made no provision for extending such service to the development; or
- (7) Negative impact of the development on existing services, including utilities, streets, drainage systems or other municipal services, when taking into account density, scale of proposed development, the comprehensive growth plan, the master street plan, location and other qualities of the development.

(Code 1997, § 60-23; Ord. No. 04-56, § 7(2.04), 5-25-2004)

Sec. 14-231. Expedited consideration of large-scale development waivers.

(a) Notwithstanding any provision of this Code to the contrary, a waiver from large-scale development plan requirements may be approved in an expedited manner by the city planner, or his designee, without the formality of planning commission approval, according to this section, if the following conditions are met:

- (1) The applicant has paid a filing fee as currently established and found in appen-

dix B to this Code or as hereafter adopted by resolution of the city council from time to time.

- (2) The application does not require any variance granted by the board of adjustment to bring the plan into compliance with the Code, and no variance has been previously granted by the board of adjustment in contemplation of the application for approval of the large-scale development.
- (3) The application does not request relief from sidewalk, curb and gutter, and gravel parking lot restrictions.
- (4) In cases of building additions, the maximum increase in building area is no greater than ten percent of the total building size.

(b) The denial of expedited consideration of a large-scale development waiver may be appealed to the planning commission for consideration in the manner provided in section 14-340(2). (Code 1997, § 60-24; Ord. No. 05-61, § 3.1, 4-26-2005)

Secs. 14-232—14-255. Reserved.

**DIVISION 3. LARGE-SCALE DEVELOPMENT
PLAN REGULATIONS**

**Sec. 14-256. Design standards, regulations
and required improvements.**

The proposed large-scale development shall meet the following regulations and required improvements. Also, it shall meet the state health department requirements. Unless specified, the following standards, regulations and required improvements apply to all developments:

- (1) Storm drainage design must meet the minimum drainage requirements as defined by city ordinance. An engineer's certification calculations must be provided for all improvements. Improvements must be completed and certified by the engineer of record before a certificate of occupancy is issued.

- (2) Developments within a floodplain or floodway must meet all city and FEMA requirements for new construction in floodplains or floodways.
- (3) Where applicable, verify impact of development with the airport zoning and hazard map. Notification of the FAA may be necessary prior to construction.
- (4) Developments will require the approval of the planning commission and all affected service providers.
- (5) Proposed buildings must meet the setback requirements of the zoning ordinance.
- (6) Parking must meet the requirements of the zoning ordinance and must be paved. Handicap spaces provided must meet local, state and ADA requirements, including truncated domes at all handicap ramps.
- (7) Proposed streets or drives connecting to public streets must meet requirements of the city and/or the state highway and transportation department.
- (8) Proposed signage must meet the requirements specified in the city zoning ordinance. A supplemental permit is required for any signage.
- (9) Proposed connections to city water or sewer systems must meet the requirements of the city water and sewer department.
- (10) Proposed trash dumpster locations must be enclosed with a six-foot high vision-blocking screen on all four sides.
- (11) Sidewalks (see Typical sidewalk detail, section 14-1002).
 - a. Sidewalks shall be installed according to city standards and specifications, as adopted by the city council, along both sides of all streets in all subdivisions platted after January 1, 1990; and along one or both sides of all streets, as is applicable, in all other new development which is required to submit a large-scale development plan.

- b. All sidewalks shall be constructed to the following specifications:
1. Sidewalks on minor streets shall be five feet behind the curb. Sidewalks on collector streets and above shall be six feet behind the curb.
 2. Accessible curb ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways and street intersections.
 3. Sidewalks shall be constructed on a compacted subgrade which is free from dust pockets, ruts, topsoil, organics and other defects.
 4. Sidewalks shall be constructed of Portland cement concrete with a minimum 28-day compressive strength of 4,000 pounds per square inch.
 5. Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch per foot.
 6. Sidewalks on minor streets shall be five feet wide. Sidewalks on collector streets and above shall be six feet wide.
 7. The concrete shall be four inches thick with four inches compacted base over suitable compacted subgrade.
 8. Expansion joints shall be a maximum of 25 feet apart.
 9. Transverse joints between expansion joints shall be scored at intervals equal to the width of the sidewalk.
 10. Sidewalks shall be finished to a smooth broom finish.
 11. Sidewalk subgrade shall be inspected prior to pouring the sidewalk. All requests for inspections shall require a minimum 24-hour notice.
 12. The city planning authority or street authority shall have the discretion and authority to grant exceptions in order to accomplish reasonable continuity in sidewalks.
 13. The property owner shall be responsible for repair and maintenance of the sidewalk, and this requirement shall be included in the protective covenants and on the face of the plat.
 14. In existing subdivisions that are covered by this section, the developer shall submit suggestions pertaining to sidewalk location to the city planner. The developer, city planner and city council committee chairman shall make the final decision on the location.
 15. In new subdivisions, sidewalks shall be laid out by the developer on the plat and presented to the planning commission for approval at the same time as the streets. The developer will have the flexibility to choose where the sidewalks are located and to design his sidewalk system based on the terrain, necessity, functional utility, etc. Final approval location cannot be changed without the approval of the planning commission.
- c. If the sidewalk is not installed per the large-scale development plan as required above, the record owner of the land shall be subject to a fine and each day that the violation exists shall constitute a separate offense. In addition, the city shall have the right to install the sidewalk and charge the cost thereof to the owner; and the city shall have a lien against the land for such costs. The planning department may allow a bond or

payment in lieu of construction at their discretion at a value determined by the design engineer and agreed by the city's planning staff.

- (12) A percentage of the total land area will be devoted to landscaping. If the total land area is two acres or less, developer must provide either 20 percent green space with at least one new tree or shrub meeting the plant criteria herein for each 1,000 square feet of the total land area; or, 15 percent green space with one tree or shrub for every 500 square feet of total land area. Tree size must be increased from 2½-inch ball and burlap to four-inch ball and burlap if 15 percent green space is provided.

- (13) Drainage detention basins, if solid sodded, can be included as a portion of the required landscape areas up to a maximum of five percent of the required landscape area. Public street and highway right-of-way may not be included as part of the required landscape area.

- (14) Criteria for plant materials:

- a. At least one new tree or shrub meeting the plant criteria herein must be provided for each 1,000 square feet of the total land area for developments up to two acres. At least one new tree or shrub must be provided for each 2,000 square feet of the total land area for developments over two acres.
- b. New plants may be selected from the recommended plants list provided by the planning authority office. Plants should be selected for hardiness in local zones. Plants should be arranged to facilitate growth and avoid damage by development.
- c. Deciduous ornamental trees must be balled-and-burlaped, 1½-inch caliper, minimum. Deciduous shade trees must be ball-and-burlaped, 2½-inch caliper by six feet tall, minimum. Shrubs are to be five gallon size, minimum.

- d. Perennials from the recommended plants list qualify as a plant selection to meet minimum requirements in the ratio of 20:1. Twenty perennials, six-inch pot size, equal one tree or shrub. Perennials qualify as plant selections to a maximum of 25 percent of the required number of plants.
- e. Credit to the plant requirement will be considered for existing trees provided they are of a desirable type, are healthy specimens, they contribute to the compatibility of the development and they are not threatened by the construction or placement of the proposed development. Qualification or placement of the proposed plant material must be verified with the planning authority office.

- (15) Landscape buffer zones, screening fences or walls will be required where nonresidential zones abut residential zones. Landscape buffer zones, screening fences or screening walls may also be required where zones R-MF (multifamily), R-MHC (manufactured home community) and R-O (residential office) abut low density residential zones R-E (residential estate) and R-SF (residential single-family). The width of the required buffer should be verified with the planning authority office.

- (16) Developer may be required to upgrade existing city streets bordering the property. Street improvements must meet city standards. Additional right-of-way, if required, must be dedicated to the city in accordance with the city street master plan. Verification of this requirement should be coordinated with the planning authority office.

(Code 1997, § 60-40; Ord. No. 04-56, § 7(3.01), 5-25-2004; Ord. No. 05-33, § 1, 2-22-2005; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-257. Development conformity.

The approved large-scale development plan must be put into effect before the certificate of

occupancy is issued. The plan is considered as having been put into effect for this purpose if the following have been done:

- (1) Compliance with the fire code;
- (2) Compliance with the NFPA 101, Life Safety Code;
- (3) Compliance with the building code;

- (4) Completion of all inspections of electrical, plumbing, mechanical and building drainage systems, the final building inspection, the fire and life safety inspections;
 - (5) Completion of installation of signs and completion of parking requirements, all parking and loading areas, driveways, streets, curbs, open spaces, water and sewer lines and any other improvements that have been fully installed and completed with a three-year landscape replacement guarantee to the planning authority;
 - (6) The developer submits a certification by a registered professional engineer of compliance with the requirements of the city drainage code and FEMA requirements as adopted by the city; and
 - (7) The developer has constructed all improvements required or has posted a letter of credit for completion of elements of the large-scale development plan which are not required to be completed prior to issuance of a certificate of occupancy.
- (Code 1997, § 60-41; Ord. No. 04-56, § 7(3.02), 5-25-2004)

Sec. 14-258. Nonresidential trailers.

(a) Upon the payment of an application fee as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time, by an applicant, the city planner, or his designee, may issue permits for the placement of nonresidential trailers as defined in section 14-209. For a permit to be granted by the city planner, the permit shall be for a period of no greater than six months.

(b) The city planner must make reference to the following factors in deciding whether or not to grant a permit:

- (1) The proposed use of the nonresidential trailer;
- (2) The location of the nonresidential trailer;
- (3) The length of time requested for the nonresidential trailer;

- (4) The potential frequency of use of the nonresidential trailer;
- (5) Whether the applicant has been previously granted a nonresidential trailer permit for the same location, and the reasons for the extension;
- (6) Whether health department approval has been obtained, if necessary to the operation of the nonresidential trailer.

(c) The denial of a nonresidential trailer permit by the city planner may be appealed to the planning commission for consideration in the manner provided in section 14-340(2).

(Code 1997, § 60-42; Ord. No. 04-56, § 7(3.03), 5-25-2004; Ord. No. 05-61, § 2, 4-26-2005)

Sec. 14-259. Enforcement.

(a) No building permit for development subject to the requirements of the large-scale development plan code shall be issued until the large-scale development plan has been approved. A building permit shall not be issued if application for issuance of a building permit is made more than six months from the date of approval of the plan.

(b) All improvements shown on the approved large-scale development plan must be completed within six months after the certificate of occupancy is issued.

(c) Any revisions or changes in a submitted and accepted large-scale development plan will require submission for approval.

(d) Failure of any developer to comply with the requirements of the large-scale development plan, or to implement the large-scale development plan by completing and installing all improvements and landscape planting as shown on the approved large-scale development plan within six months after the issuance of the certificate of occupancy shall be cause for revocation of the certificate of occupancy.

(e) It shall be unlawful for any person, firm or corporation to occupy the improvements made pursuant to the approved large-scale development plan without first obtaining a certificate of occupancy. Failure to obtain a certificate of occu-

pancy shall be a misdemeanor punishable by a fine not to exceed \$250.00 per day that said violation exists.

(Code 1997, § 60-43; Ord. No. 04-56, § 7(3.04), 5-25-2004)

Sec. 14-260. Access management standards.

This section is intended to implement access management standards of the city as set forth in the city master street plan and growth comprehensive plan. In addition, this section conforms with policies and objectives of the NWARPC metropolitan planning organization's long-range transportation plan, the authority to control access to property as derived from state statutes, the policy and planning directives of the Federal Intermodal Surface Transportation Efficiency Act of 1991, and the Transportation Equity Act for the 21st Century. These regulations apply to all new development and construction:

(1) Curb cuts.

- a. *City approval.* Property owners desiring curb cuts off of city streets or the state highway and transportation department (AHTD) highways, not associated with an approved large-scale development plan or subdivision, must obtain a letter of approval from the office of public works and planning prior to installation of said curb cut/driveway.
- b. *Width.* Ingress/egress opening in concrete, asphalt, rock or other street curbing, commonly referred to as "curb cuts," shall be not less than 24 feet nor more than 40 feet in width for nonresidential uses unless approved by the office of public works and planning.
- c. *Distance from intersections.* Curb cuts or access points shall be no closer than 100 feet measured from the right-of-way intersecting collector streets to the centerline of the drive, and no closer than 250 feet measured from the right-of-way of an intersection involving a major or minor arterial street to the centerline of the drive.
- d. *Offset.* Either the centerline of opposing nonresidential driveways shall align, or shall be offset no less than 75 feet. This condition shall not apply where a permanent median exists without break for these driveways.
- e. *Number of curb cuts permitted.* Unless otherwise specified by this section, the maximum number of curb cuts for each property shall be determined by length of road frontage and the maximum speed limit of the road (as determined by the city master street plan).

NUMBER OF CURB CUTS

<i>Length of Street Frontage</i>	<i>Maximum Number of Curb Cuts*</i>
600 feet or less	1
601—1,000 feet	2
1,001—1,500 feet	2
More than 1,500 feet	3

*Where lots are contiguous, a common ingress/egress drive is encouraged to minimize curb cuts and better facilitate traffic.

f. Distance between curb cuts.

<i>Travel Speed Permitted</i>	<i>Minimum Distance Between Curb Cuts</i>
30 mph	100 feet
35 mph	150 feet
40 mph	200 feet
45 mph	250 feet
50 mph	300 feet
55 mph	350 feet

- g. *Curb radius.* To ensure safe turn movements, turning radii for commercial drive curb cuts should be at least 30 feet for curb cuts along streets designated of the city master street plan. Exceptions may be granted through a waiver from the planning commission for shorter radii in the downtown area and for

larger radii needed where there may be a need to accommodate truck traffic.

- h. *Barriers.* Entrance/exit and parking design landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All parking facilities, except those serving single-family detached and two-family dwellings shall be designed so that all existing movements onto a public street are in a forward motion.
- i. *Right turn only.* Right turn only site plans for all commercial development and multifamily dwellings on minor arterial and major arterial streets will be required to have exit points that are designated right turn only exiting movements onto a public street.
- j. *Acceleration and deceleration lanes.* Site plans for all commercial development, residential subdivisions, and multifamily dwellings on collector, minor arterial, and major arterial streets will be analyzed by the city engineer or city planner for critical traffic conditions for both the initial opening and full development of the site. AHTD deceleration lanes are required for single and combined uses that generate driveway volumes (trip ends) of 300 or more vehicles in the peak hour, as determined using standard Institute of Transportation Engineers (ITE) trip generation rates for the subject land use(s). Additional development requiring a building permit, which would generate driveway volumes (trip ends) of 300 or more vehicles in the peak hour, shall require the installation of an AHTD-approved deceleration lane. Four hundred feet minimum spacing between drives, measured centerline to centerline or from the right-of-way intersecting lines of public streets

to the centerline of a curb cut, is required when deceleration lanes designed in accordance with AHTD are required.

(2) *Joint and cross access.*

- a. *Major traffic generators.* Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites. Major traffic generators are defined as all restaurants and any other commercial development with a total area under roof of 5,000 square feet or greater.
- b. *Techniques.* A system of joint use driveways and cross access easements shall be established wherever feasible in commercial zoning districts along streets designated on the city Master Street Plan, and the building site shall incorporate the following:
 1. A continuous service drive or cross access corridor extending the entire length of each property served to provide for driveway separation consistent with the curb cut standards.
 2. A design speed of ten mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive.
 4. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.
- c. *Shared parking.* Shared parking areas shall be permitted to reduce re-

quired parking if peak demand periods for proposed land uses do not occur at the same time periods (i.e., bank and movie theater).

d. *Documentation.* Pursuant to this section, property owners shall record the following:

1. *Access easement.* Record an easement with the deed allowing cross access to and from other properties served by the joint-use driveways and cross access or service drive.
2. *Access agreement.* Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the city and preexisting driveways will be closed and eliminated after construction of the joint-use driveway.
3. *Maintenance agreement.* Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

e. *Reduction in separation distance.* The city planning commission may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

1. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.
2. The site plan incorporates a unified access and circulation system in accordance with this section.
3. The property owner shall enter a written agreement with the city, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

(3) *Waivers.* The city planning commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(4) *Nonconforming access features.*

a. *Existing.* Permitted access connections in place as of the date of the adoption of this section that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards when one of the following conditions occurs:

1. New access connection permits are requested;
2. Substantial enlargements or improvements are made;
3. As roadway improvements allow; or
4. Significant change in trip generation.

b. *Discontinued use.* If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 180 days then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the city planning commission. For uses that are vacant or discontinued upon the effective date of the ordinance from which this section is derived, the 180-day period begins on the effective date of the ordinance from which this section is derived.

(Code 1997, § 60-45; Ord. No. 04-24, § 1, 3-9-2004)

Secs. 14-261—14-283. Reserved.

DIVISION 4. OVERLAY DISTRICT STANDARDS

Sec. 14-284. Established.

(a) An overlay district is hereby established within the city consistent with the objectives of the land use plan adopted by the city. The purpose

of the overlay district is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow.

(b) The overlay district shall extend along West Walnut Street from 28th Street to U.S. Highway 71; along South 8th Street from Olrich Street to the south city limits; along Highway 62 from the east city limits to the west city limits; along State Highway 12 from 2nd Street to the east city limits; along New Hope Road (State Highway 94) from Dixieland Road to U.S. Highway 71; and along U.S. Highway 71 from the north city limits to the south city limits. Pleasant Grove Road from South 8th Street (U.S. 71B) to Bellview. The district encompasses all lands with highway frontage, including local streets, lying within 330 feet of the right-of-way on both sides of the designated corridors within the city limits.
(Code 1997, § 60-60)

Sec. 14-285. Design standards, regulations and required improvements for developments within overlay districts.

The regulations of the overlay district shall be in addition to and shall overlay all other zoning districts and ordinance requirements regulating the development of land so that any parcel of land lying in the overlay district shall also lie within one or more of the other underlying zoning districts. Design standards within the overlay district shall be as follows:

- (1) Lot size for any development tract shall be a minimum of one acre. Tracts of lesser size, existing at adoption of the ordinance from which this article is derived, shall be addressed on an individual basis under the exceptions clause of this article.
- (2) Front yards for all principal and accessory buildings or structures shall be no less than 75 feet from the property line abutting the highway.
- (3) Rear yards for all principal and accessory buildings or structures shall be no less than 30 feet.
- (4) Side yards for all principal and accessory buildings or structures shall be no less than 30 feet.
- (5) Required landscape areas along the highway frontage shall be no less than 25 feet deep exclusive of the right-of-way. Within this area the developer will plant trees at 20-foot spacing for the full width of the frontage. All plant materials on the site must meet the requirements of division 3 of this article. Trees provided as part of the overlay district requirement apply toward the minimum plant requirement of division 3 of this article. Developer should attempt to incorporate existing on-site trees into the landscaping plan and indicate on plan. If a developer demonstrates that this requirement will constitute an undue hardship, or where the requirements conflict with existing public utilities, the planning commission may vary from the ordinance.
- (6) Required landscape areas along the rear and side yards shall be no less than ten feet deep from the property line and locations are to be coordinated with the planning office. Where rear or side yards abut a street right-of-way, a 15-foot deep landscaped area shall be required when adjacent land is zoned office, residential or commercial.
- (7) Erosion retardant vegetation shall be used on all cuts and fills.
- (8) Tree species to be planted within these corridors should be consistent with the recommended plants list.
- (9) Buildings within the commercial development with two or more tenants shall be allowed one sign, no more than ten feet in height and with no more than 100 square feet in face area.
- (10) A commercial building with only one tenant shall be allowed a single monument-type, ground-mounted sign located on the building site or in the landscaped front

yard. The sign shall be a maximum of six feet in height and 72 square feet in sign face area.

- (11) When a commercial development or other type of development involves multiple building sites, whether on one or more platted lots, the above-described regulations shall apply to the development as an entire tract rather than to each platted lot. Developments of this type shall be reviewed by the city through the technical review schedule which illustrates compliance with article.

- (12) Property which cannot be developed without violating the standards of this article shall be reviewed under the large-scale development plan which is consistent with the purpose and intent of the overlay standards.

(Code 1997, § 60-60; Ord. No. 04-56, § 7(4.01), 5-25-2004; Ord. No. 07-134, § 1, 10-9-2007)

Sec. 14-286. Development conformity.

The approved large-scale development plan within an overlay district must be put into effect before the certificate of occupancy is issued. The plan is considered as having been put into effect for this purpose if the following has been done:

- (1) Compliance with the fire code;
- (2) Compliance with the NFPA 101, Life Safety Code;
- (3) Compliance with the building code;
- (4) Completion of all inspections of electrical, plumbing, mechanical and building drainage systems, the final building inspection, the fire and life safety inspections;
- (5) Completion of signage and completion of parking and loading areas, driveways, streets, curbs, open spaces, water and sewer lines and any other improvements have been fully installed and completed with a three-year landscape replacement guarantee submitted to the planning authority;
- (6) The developer submits certification by a registered professional engineer of com-

pliance with the requirements of the city drainage code and FEMA requirements as adopted by the city; and

- (7) The developer has constructed all improvements required or has posted a letter of credit for completion of elements of the large-scale development plan which are not required to be completed prior to a certificate of occupancy.

(Code 1997, § 60-61; Ord. No. 04-56, § 7(4.02), 5-25-2004)

Sec. 14-287. Enforcement.

(a) No building permit for development subject to the requirements of this article shall be issued until the large-scale development has been approved. A building permit shall not be issued if application for issuance of a building permit is made more than six months from the date of the plan's approval.

(b) All improvements shown on the approved large-scale development plan and required by the overlay district must be completed within six months after the certificate of occupancy is issued.

(c) Any revisions or changes in a submitted and accepted large-scale development plan will require submission for approval.

(d) Failure of any developer to comply with the requirements of this article or to implement the large-scale development plan by completing and installing all improvements and landscaping as shown on the approved large-scale development plan within six months after the issuance of a certificate of occupancy shall be cause for revocation of the certificate of occupancy.

(e) It shall be unlawful for any person, firm or corporation to occupy the improvements made pursuant to the approved large-scale development plan without having first obtained a certificate of occupancy. Failure to obtain a certificate of occupancy shall be a misdemeanor.

(Code 1997, § 60-62; Ord. No. 04-56, § 7(4.03), 5-25-2004)

Secs. 14-288—14-307. Reserved.

DIVISION 5. INTERSTATE SIGN DISTRICT**Sec. 14-308. Established.**

The interstate sign district shall extend from the south side of West Olive Street to the north side of Perry Road and 1,500 feet to the east and west of the centerline of U.S. Highway 71.
(Code 1997, § 60-70)

Sec. 14-309. Design standards and regulations for signage in the interstate sign district.

(a) The interstate sign district shall apply only to property zoned C-2 and C-4.

(b) In addition to the signage presently allowed in the C-2 and C-4 zones, the following shall be permitted:

- (1) One additional freestanding on-premises sign with a maximum height of 70 feet and a minimum height of 35 feet.
- (2) The additional sign shall be no greater than 200 square feet in total sign face area.
- (3) No part of the sign may be closer than five feet to any property line.
- (4) The additional sign shall be installed in the landscaped area of the rear or side yards in a location approved by the planning commission.

(c) Signage authorized by this article must be submitted to and approved by the planning commission and a sign permit obtained prior to construction.

(Code 1997, § 60-70; Ord. No. 04-56, § 7(5.01), 5-25-2004)

Sec. 14-310. Enforcement.

Failure of any developer to comply with the requirements of the interstate sign district, or to implement the interstate sign district requirements within six months after the issuance of the certificate of occupancy shall be cause for revocation of the certificate of occupancy.

(Code 1997, § 60-71; Ord. No. 04-56, § 7(5.02), 5-25-2004)

Secs. 14-311—14-338. Reserved.**DIVISION 6. ADMINISTRATION AND ENFORCEMENT****Sec. 14-339. Adoption, administration and enforcement.**

It is the intent of these rules and regulations that the public interest be protected by a thorough review of all proposed large-scale development plans without undue delay to the developer. The primary responsibility for the adoption, amendment, interpretation, administration, review approval and enforcement of these regulations shall be as follows:

- (1) The city planning commission shall be responsible for the planning requirements and proposed development activities contained in this chapter with assistance from the planning department.
- (2) The director of transportation and planning shall be responsible for the inspection and acceptance of large-scale developments.
- (3) The city planning commission shall be responsible for maintaining, amending, modifying and updating these regulations with assistance from the planning authority.

(Code 1997, § 60-80; Ord. No. 04-56, § 7(6.01), 5-25-2004)

Sec. 14-340. Appeal procedures.

The following appeal procedures have been established:

- (1) Planning commission decisions.
 - a. The developer or owner of any property adjacent to the proposed land development may appeal the decision of the planning commission to the city council by filing such a notice of appeal with the city clerk within ten days from the date of such decision.
 - b. The city council shall hear all persons desiring to be heard on the

question of whether the findings and decisions of the planning commission were in error. Following such hearings, the city council may affirm, modify, or reverse any findings or decision of the planning commission or may refer the proposed development back to the planning commission for additional study. The city council may refuse to approve the proposed improvement for any of the reasons specified in this chapter.

(2) Planning authority decisions.

- a. The developer, owner or contractor of any proposed land development may appeal the decision of the planning authority to the planning commission by filing such a notice of appeal with the administrative officer within ten days from the date of such decision.
- b. The planning commission shall hear all persons desiring to be heard on the question of whether the findings and decisions of the planning authority were in error. Following such hearings and review, the planning commission may affirm, modify or reverse any finding or decision of the planning authority.

- (3) The planning commission's decision may be appealed to the city council by filing such a notice of appeal with the city clerk within ten days from the date of such decision.

(Code 1997, § 60-81; Ord. No. 04-56, § 7(6.02), 5-25-2004)

Sec. 14-341. Variations.

The planning authority's office may authorize adjustments in the approved development plan, after approval, provided the adjustment conforms to the meaning and intent of the original approval. The same time limit set out in section 14-230 shall apply to all adjustments and changes in an approved plan.

(Code 1997, § 60-82; Ord. No. 04-56, § 7(6.03), 5-25-2004)

Sec. 14-342. Amendment.

These regulations may be amended by the affirmative vote of a majority of the full membership of the planning commission, following the same procedures used in the original adoption. The planning commission may from time to time add to, delete or modify the information.

(Code 1997, § 60-84; Ord. No. 04-56, § 7(6.05), 5-25-2004)

Sec. 14-343. Legal approval.

Prior to its consideration by the planning commission, the proposed amendment may be referred to the legal counsel for review and recommendations.

(Code 1997, § 60-85; Ord. No. 04-56, § 7(6.06), 5-25-2004)

Sec. 14-344. Inspection.

The mayor, members of the city council, members of the planning commission, planning authority, or any of their authorized representatives may at any time review the records or enter the development to review and inspect the improvements and work for compliance with these regulations.

(Code 1997, § 60-86; Ord. No. 04-56, § 7(6.07), 5-25-2004)

Sec. 14-345. Penalties.

A violation of these regulations or failure to comply with the provisions in this article specified shall subject the person, firm or corporation to the following penalties:

- (1) *Violations.* Violations shall be subject to a fine in the maximum amount for a misdemeanor violation as long as the violations continue, prior to instigation of appeal.
- (2) *Civil action.* The planning commission or any affected person may institute a civil suit to prevent or remove a violation of these regulations.
- (3) *Notice.* The chairman of the planning commission shall instigate with the city council any such suit within 30 days of plan-

ning commission actions upon written
notice by the planning authority of known
violations.

(Code 1997, § 60-87; Ord. No. 04-56, § 7(6.08),
5-25-2004)

Secs. 14-346—14-363. Reserved.

